

REMARKS

Claims 1-20 are now present in this application. Claims 1, 3-6, 8-12, 13, and 14 are currently amended to clarify the claimed invention.

OBJECTIONS

Claims 1, 3-9, 11-14 and 16 are objected to because of informalities. Applicants have updated the status identifiers and have amended Claim 8 as suggested by the Examiner. Thus, Applicants respectfully submit that the objections to the claims should be withdrawn.

DRAWINGS

The drawings are objected to under 37 CFR 1.83(a) as allegedly not showing every feature of the invention specified in the claims. Specifically, the Office Action asserts that the wheel, rim, and tire features (claims 18-20) must be shown in the drawings, or the features must be cancelled from the claims. Applicants respectfully traverse.

37 CFR 1.83(a) states:

The drawing in a nonprovisional application must show every feature of the invention specified in the claims. However, conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation (e.g., a labeled rectangular box). In addition, tables and sequence listings that are included in the specification are, except for applications filed under **35 U.S.C. 371**, not permitted to be included in the drawings.

Thus, Applicants submit that wheels, rims, and tires are conventional features in the art, and their detailed illustration is not essential for a proper understanding of the invention. Further, element 132 of FIG. 4 is a valve stem of a tire which interacts with the pressure relief device. **The valve stem of the tire (element 132 of FIG. 4) serves to represent or illustrate the whole tire**, and also serves to represent or illustrate the associated rim or the associated wheel. Thus, Applicants respectfully submit that the objections to the drawings should be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanner et al. (U.S. Patent No. 3,994,312) in view of Everhard et al. (U.S. Patent No. 5,954,081). Applicants respectfully traverse.

Amended independent claim 1 recites, in part:

wherein properties and dimensions of the resilient member being such that the resilient member is stretched when the air pressure in the chamber exceeds the first pressure level, so as to provide an air passage from the conduit to an exterior environment, and the properties and dimensions of the resilient member further being such that **the resilient member returns to the closed position, in which the resilient member is contractively fitted around the circumferential outer surface portion and keeps the air conduit in the closed state, when the air pressure in the chamber returns to a level below the first pressure level...**

Thus, the pressure relief valve according to amended claim 1 is resilient, and may be reused. The Examiner is directed to lines 3-11 of page 2, and lines 3-5 of page 10 of the application for additional discussion.

As an illustrative and non-limiting example of claim 1, FIG. 1 illustrates a ring shaped resilient member 130 in a closed position, seated in a slot of a body 102 and keeping an air conduit 128 in a normally closed state.

The resilient member may be stretched when the air pressure in the chamber exceeds the first pressure level, so as to provide an air passage from the conduit to an exterior environment (relief of overpressure).

When air pressure in the chamber returns to a level below the first pressure level, the resilient member returns to a closed position (in which the resilient member is contractively fitted around the circumferential outer surface portion and keeps the air conduit in a closed state). Therefore, the claimed device may be used repeatedly.

In order to establish *prima facie* obviousness under 35 U.S.C. § 103(a), all the claim limitations must be taught or suggested by the prior art. Further, “rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *In re Kahn*, 441 F. 3d 977, 988 (Fed. Cir. 2006). At a minimum, the cited prior art references do not disclose (expressly or inherently) or suggest the above recited highlighted (bolded) element.

The Office Action, at page 3, asserts that all of the elements of claim 1 are allegedly disclosed by the combination of Tanner and Everhard.

The Office Action, at page 5, admits that Tanner does not disclose a ring-shaped resilient member which is contractively fitted around the

circumferential outer surface portion, so as to keep the air conduit in a normally closed state. The Office Action, at page 6, asserts that Everhard (a band or sleeve 40 in FIG. 1) discloses such a ring-shaped resilient member which provides overpressure protection.

However, Everhard, at lines 38-50 of column 3, merely states:

A band or sleeve 40 is received over the body portion 12 at the area of exhaust ports 38. According to the invention, **the band or sleeve 40 is of an elastomeric material so as to provide a dirt seal over the exhaust ports 38.** It will be appreciated however, that when the rupture disk 36 is blown out by overpressure, the air which escapes from the tire envelope and not the exhaust plenum 34 escapes out of the exhaust ports 38 and **blows the band or sleeve 40 off of the housing 12, or greatly disturbs it** such that it can be readily observed that the overpressure relief has been experienced. The **band 40 thus serves as an indicator of overpressure activity.**

Thus, the band 40 of Everhard initially provides a dirt seal (not a pressure seal) and is blown off of the housing or greatly disturbed when the rupture disk 36 explodes. Thus, band 40 serves as a visual indicator of any previous overpressure activity. Further, the rupture disk 36 is blown out by overpressure. Consequently, **the device of Everhard is irreversibly broken upon any incident of overpressure, and such incident requires replacement of the entire valve.** Everhard is greatly concerned that any prior occurrence of overpressure should be immediately visible, as discussed at col. 2, lines 3-5 and col. 3, lines 46-50.

In other words, Everhard expressly teaches that the band 40 is blown off (or at least greatly disturbed), and serves as a visual indicator that overpressure activity has occurred in the past. Therefore, **Everhard**

actually teaches away from the resilient member returning to the closed position, as required by claim 1.

Thus, Applicants respectfully submit that neither Tanner nor Everhard teach or suggest “the resilient member returns to the closed position, in which the resilient member is contractively fitted around the circumferential outer surface portion and keeps the air conduit in the closed state, when the air pressure in the chamber returns to a level below the first pressure level,” as required by independent claim 1.

Further, Applicants respectfully submit that the other art of record does not remedy the deficiencies of Tanner and Everhard.

Thus, at a minimum, the combination of Tanner and Everhard fails to teach the foregoing element, and therefore claim 1 is allowable over the cited art.

Under Federal Circuit guidelines, a dependent claim is allowable if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987).

Thus, as independent claim 1 is allowable for the reasons set forth above, it is respectfully submitted that dependent claims 2-20 are allowable for at least the same reasons.

PRIORITY UNDER 35 U.S.C. §119

Applicants note with appreciation the Examiner's acknowledgement that certified copies of all priority documents have been received by the U.S.P.T.O.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-20 in connection with the present application is earnestly solicited.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a three (3) month extension of time for filing a reply to the outstanding Office Action and submit the required \$1,110 extension fee herewith.

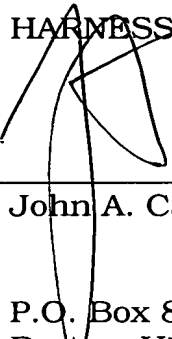
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

~~HARNES~~, DICKY, & PIERCE, P.L.C.

By



John A. Castellano, Reg. No. 35,094

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

JAC/EGO:mvj